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ATTORNEYS AT LAW

October 4, 2018

**VIA ECF**

Hon. Steven M. Gold, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Gortat v. Capala Brothers, Inc. et al.**  
**Case No. 07-cv-3629-ILG-SMG**

Dear Judge Gold:

As you know, this firm represents non-party ConnectOne Bank ("ConnectOne") and submits this letter as instructed by the Court during the October 1, 2018 conference call in this matter. During the call, counsel for plaintiffs Mirosław Gortat, Henryk Bienkowski, Mirosław Filipkowski, Arthur Lapinski, Jan Swaltek, Arthur Kosiorek and Henryk Stoklosa's (collectively as "Plaintiffs") acknowledged that Plaintiffs are not challenging ConnectOne's mortgage on the property located at 269 Withers Street, Brooklyn, New York (the "Property"), which was recorded on June 23, 2016 (the "Mortgage"). Thus, in the event the Court voids the February 20, 2013 transfer of the Property from the Capala Brothers, Inc. to 269 Withers Street LLC, the Order should be effective as of June 24, 2016 in order to ensure the Mortgage will be reflected in the chain of title. ConnectOne is not aware of any other liens that would have encumbered the Property.

Thank you for your consideration.

Respectfully submitted,

/s/ Michael R. O'Donnell

Michael R. O'Donnell

cc: All counsel of record (via ECF)

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